

mattered more than the people in power.

That is the ideal that this Nation was founded upon. That is why a few patriots threw some tea in Boston Harbor, why Washington crossed the Delaware, why suffragists were arrested a century ago, and why my friend John Lewis crossed that bridge in Selma in 1965. It is why millions spent a Tuesday in November standing in line, braving a pandemic to make their voices heard.

Listen, this administration has always had an adversarial relationship with the truth. Trump always cries conspiracy, always foments chaos whenever something doesn't go his way. But today, we here in this Chamber have the opportunity to prove that here in this country, truth matters, that right matters, that the will of the people matters more than the whims of any single powerful individual.

I have no tea to throw in Boston Harbor tonight, and I regret that I have no rucksack to pack for my country, no Black Hawk to pilot, nor am I asking for any grand gesture from my Republican colleagues. All I am asking of you is to reflect on the oaths that you have sworn, on the damage done to our Union today, and on the sacrifices made by those who have given so much to this Nation, from the servicemembers at Arizona's Fort Huachuca and Marine Corps Air Station Yuma to the marchers who bent America's moral arc a little bit more toward justice with every single step that they took, every bridge that they crossed.

Then ask yourself whether the democracy they were willing to bleed for, the country that each of us in this Chamber has sworn to defend, is worth damaging in order to protect the porcelain ego of a man who treats the Constitution as if it were little more than a yellowing piece of paper.

I think we all know the right answer. The VICE PRESIDENT. The majority leader.

Mr. McCONNELL. Mr. President, I yield up to 5 minutes to the Senator from Kentucky, Senator PAUL.

The VICE PRESIDENT. The Senator from Kentucky.

Mr. PAUL. I wrote a speech for today. I was planning to say that I fear the chaos of establishing a precedent that Congress can overturn elections. Boy, was I right. Chaos, anarchy—the violence today was wrong and un-American.

The vote we are about to cast is incredibly important. Now more than ever, the question is, Should Congress override the certified results from the States and nullify the States' rights to conduct elections?

The vote today is not a protest; the vote today is literally to overturn elections. We have been told that this is a protest, that this is about an electoral commission. No, it is not. It is about whether to seat the electors certified by a State. It is not about an electoral commission. It is not about a protest. You can go outside if you want to pro-

test. This is about overturning a State-certified election.

If you vote to overturn these elections, wouldn't it be the opposite of States' rights Republicans have always advocated for?

This would doom the electoral college forever. It was never intended by our Founders that Congress have the power to overturn State-certified elections. My oath to the Constitution doesn't allow me to disobey the law. I can't vote to overturn the verdict of States. Such a vote would be to overturn everything held dear by those of us who support the rights of States in this great system of federalism that was bequeathed to us by our Founders.

The electoral college was created to devolve the power of selecting Presidential electors to the States. The electoral college is, without question, an inseparable friend to those who believe that every American across our vast country deserves to be heard.

If Congress were given the power to overturn the States' elections, what terrible chaos would ensue every 4 years. Imagine the furor against the electoral college if Congress becomes a forum to overturn States' electoral college slates.

It is one thing to be angry. It is another to focus one's anger in constructive ways. That hasn't happened today, to say the least.

We simply cannot destroy the Constitution, our laws, and the electoral college in the process.

I hope, as the Nation's anger cools, we can channel that energy into essential electoral reforms at the State level. America is admired around the world for our free elections. We must—we absolutely must fix this mess and restore confidence and integrity to our elections. We must.

The VICE PRESIDENT. The Democratic leader.

Mr. SCHUMER. The Senator from Virginia, Senator WARNER.

The VICE PRESIDENT. The Senator from Virginia.

Mr. WARNER. Mr. President, I think like most of us, I am still pretty reeling from what happened today. What I was going to talk about was the work I am most proud of since I have been here, with my good friend RICHARD BURR and all the members of the Intelligence Committee, about a multiyear report we did into foreign interference in our elections. Probably our top recommendation of that five-volume, bipartisan report was that any official or candidate should use restraint and caution when questioning results of our elections because when you do so, you often carry out the goals of our foreign adversaries. Use caution because, whether knowingly or unknowingly and whether that adversary is in Russia or China or Iran, their goals are pretty simple: They want to make it appear to Americans, to folks around the world, and to their own people that there is nothing special about American democracy.

I was going to try in a feeble way, maybe, to reach some of the rhetorical heights of BEN SASSE. I knew I couldn't do that, so instead—I know I am violating rules. Today is the day for violating rules. This is a photo that appears today in one of the most prominent German newspapers. You don't need to draw it up. You can draw up photos from any newspaper or any television feed anywhere across the world.

And what is this photo of? It is of thugs—thugs—in the Halls of this Capitol, diminishing everything we say we believe in, in this democracy.

When you look at those images, realize that those images are priceless for our adversaries. I am willing, tonight, in an overwhelming way, to take a small step, in a bipartisan way, to start restoring that trust of our people and, hopefully, the billions of people around the world who believe in that notion of American democracy. Remember, these images are still there.

I yield the floor.

The VICE PRESIDENT. The majority leader.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the Senator from Missouri, Mr. HAWLEY.

The VICE PRESIDENT. The Senator from Missouri.

Mr. HAWLEY. Mr. President, I want to begin this evening by saying thank you to the men and women of the Capitol Police, the National Guardsmen, the Metropolitan Police, and others who came to this Capitol and put their lives on the line to protect everybody here who was working inside. I want to thank law enforcement all across this country—in my home State of Missouri and everywhere else—who do that day in and day out.

I just want to acknowledge that, when it comes to violence, it was a terrible year in America this last year. We have seen a lot of violence against law enforcement, and today, we saw it here in the Capitol of the United States. In this country, in the United States of America, we cannot say emphatically enough: Violence is not how you achieve change. Violence is not how you achieve something better.

Our Constitution was built and put into place so that there would be, in the words of Abraham Lincoln, no appeal from ballots to bullets, which is what we saw, unfortunately, attempted tonight. There is no place for that in the United States of America, and that is why I submit to my colleagues that what we are doing here tonight is, actually, very important because, for those who have concerns about the integrity of our elections and for those who have concerns about what happened in November, this is the appropriate means. This is the lawful place where those objections and concerns should be heard. This is the forum that the law provides for—that our laws provide for—for those concerns to be registered, not through violence—not by appealing from ballots to bullets—but here, in this lawful process.



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## CONGRESSIONAL RECORD—SENATE

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So to those who say that this is just a formality today—an antique ceremony that we have engaged in for a couple of hundred years—I can't say that I agree. I can't say that our precedent suggests that. I actually think it is very vital, what we do. The opportunity to be heard and to register objections is very vital because this is the place where those objections are to be heard and dealt with, debated, and finally resolved—in this lawful means, peacefully, without violence, without attacks, without bullets.

Let me just say now, briefly—in lieu of speaking about it later—a word about Pennsylvania, which is a State that I have been focused on and have objected to, as an example of why people are concerned—why millions of Americans are concerned—about our election integrity.

I say to Pennsylvania, quite apart from allegations of any fraud, you have a State constitution that has been interpreted for over a century to say that there is no mail-in balloting permitted except for in very narrow circumstances, which is also provided for in the law. Yet, last year, Pennsylvania's elected officials passed a whole new law that allowed for universal mail-in balloting, and they did it, regardless of what the Pennsylvania Constitution said.

Then, when Pennsylvania's citizens tried to be heard on this subject before the Pennsylvania Supreme Court, they were dismissed on grounds of procedure and timeliness, in violation of that supreme court's own precedent.

So the merits of the case have never been heard. The constitutionality of the statute, actually, has never been defended. I am not aware of any court that has passed on its constitutionality. I actually am not aware of anybody who has defended the constitutionality, and this was the statute that governed this last election in which there were over 2.5 million mail-in ballots in Pennsylvania.

This is my point, that this is the forum. The Pennsylvania Supreme Court hasn't heard the case, and there is no other court to go to, to hear the case in the State, so this is the appropriate place for these concerns to be raised, which is why I have raised them here today.

I hope that this body will not miss the opportunity to take affirmative action to address the concerns of so many millions of Americans—to say to millions of Americans tonight that violence is never warranted, that violence will not be tolerated, that those who engage in it will be prosecuted, but that this body will act to address the concerns of all Americans across the country.

We do need an investigation into irregularities, fraud. We do need a way forward together. We need election security reforms. I bet my friends on the other side of the aisle don't disagree with that. We need to find a way to move forward on that together so that

the American people from both parties and all walks of life can have confidence in their elections and so that we can arrange ourselves under the rule of law that we share together.

I yield the floor.

The VICE PRESIDENT. The Democratic leader.

Mr. SCHUMER. The Senator from Pennsylvania, Mr. CASEY.

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise tonight to defend the people of the Commonwealth of Pennsylvania—to defend the more than 6.9 million voters who voted in this election—and to condemn, in the strongest possible terms, this attempt to disenfranchise the voters of Pennsylvania based upon a lie, a falsehood. That same lie sowed the seeds of today's violence and today's lawlessness here in the Capitol.

One of my constituents, Susan, from Lehigh Valley—the community of our State where Senator TOOMEY lives—recently wrote to my office and, perhaps, said it best:

We cannot allow ANYBODY to overturn the legal votes of the citizens of Pennsylvania. This would be the ultimate destruction of our democracy.

Susan had it right. We cannot allow “ANYBODY”—and she put that word in all caps—to overturn the legal votes of the people of our State.

Let me address the allegation regarding the Pennsylvania Constitution and the general assembly and somehow that the general assembly didn't have the authority to enact “no excuse mail-in voting”—that process—for the people of our State.

First, the law in question, Act 77, was passed in 2019 and was implemented without any serious question as to its constitutionality. The law was passed by a Republican-controlled general assembly, house and senate. It was only after the 2020 election, when it became clear that President-Elect Joe Biden won Pennsylvania by a little more than 80,000 votes, that some Republican politicians in our State decided to challenge the constitutionality of the law.

Second, Act 77 is plainly constitutional. My colleagues allege that the State constitution requires in-person voting except under limited circumstances. This is not true. While Pennsylvania lays out specific situations in which absentee voting is required, there is no in-person requirement in our State constitution. The constitution sets a floor, not a ceiling, for this type of voting.

Third, apart from the argument made by my colleague, there is bipartisan agreement across our State—at the local, State, and Federal levels—that our election was fair, secure, and lawful. On Monday, my colleague from Pennsylvania, Senator TOOMEY, wrote in an op-ed: “The evidence is overwhelming that Joe Biden won this election.”

There is simply no evidence to justify the outrageous claims of widespread

voter fraud or election irregularities that have been suggested by those seeking to overturn the election. There have been 60 cases in court after court, all throughout our State and throughout the country, including in the Supreme Court, that have dealt with this bizarre argument that we know is based upon that lie.

In one court, the U.S. Court of Appeals for the Third Circuit, Judge Bibas, appointed by President Trump, wrote:

The campaign's claims have no merit. The United States has free and fair elections, which are the lifeblood of our democracy. Charges require specific allegations and then proof. We have neither here.

So said Judge Bibas.

Finally, a word about those election officials who did such work. These election officials all across our State—Republicans and Democrats from red counties and blue counties—did their jobs. They are patriots, and these objections are an attack on these Pennsylvania public servants. I will give you one example from Republican Commissioner Al Schmidt, of Philadelphia.

He wrote:

There really should not be a disagreement, regardless of party affiliation, when we're talking about counting votes . . . by eligible voters. It is not a very controversial thing or, at least, it shouldn't be.

After election day, Commissioner Al Schmidt, his family, and his colleagues were subjected to death threats simply because he was trying to do his job with integrity. It calls to mind that great line from “America the Beautiful”: “O beautiful for patriot dream, That sees beyond the years.”

These election officials, like so many of our patriots—and we heard from Senator DUCKWORTH tonight, a real patriot—did their jobs. Let's support these patriots. Vote against this objection.

I yield the floor.

The VICE PRESIDENT. The majority leader.

Mr. MCCONNELL. I yield 5 minutes to the Senator from Utah, Mr. ROMNEY.

The VICE PRESIDENT. The Senator from Utah.

Mr. ROMNEY. Today was heart-breaking, and I was shaken to the core as I thought about the people I have met in China and Russia and Afghanistan and Iraq and other places who yearn for freedom and who look to this building and these shores as a place of hope. I saw the images being broadcasted around the world, and it breaks my heart.

I have 25 grandchildren. Many of them were watching TV, thinking about this building, and whether their grandpa was OK. I knew I was OK. I must tell you, as well, that I am proud to serve with these men and women. This is an extraordinary group of people. I am proud to be a Member of the U.S. Senate and meet with people of integrity as we do here today.

Now, we gather due to a selfish man's injured pride and the outrage of his



supporters, whom he has deliberately misinformed for the past 2 months and stirred to action this very morning. What happened here today was an insurrection that was incited by the President of the United States. Those who choose to continue to support his dangerous gambit by objecting to the results of a legitimate and democratic election will forever be seen as being complicit in an unprecedented attack against our democracy. Fairly or not, they will be remembered for their role in this shameful episode of American history. That will be their legacy.

I salute Senators LANKFORD and LOEFFLER and BRAUN and DAINES and, I am sure, others who, in light of today's outrage, have withdrawn their objections. For any who remain insistent on an audit in order to satisfy the many people who believe the election was stolen, I would offer this perspective: No congressional audit is ever going to convince these voters, particularly when the President will continue to say that the election was stolen. The best way we can show respect for the voters who are upset is by telling them the truth.

(Applause, Senators rising.)

That is the burden. That is the duty of leadership. The truth is that President-Elect Biden won the election, and President Trump lost. I had that experience myself. It is no fun.

(Laughter.)

Scores of courts, the President's own Attorney General, and State elections officials, both Republican and Democrat, have reached that unequivocal decision.

In light of today's sad circumstances, I ask my colleague: Do we weigh our own political fortunes more heavily than we weigh the strength of our Republic, the strength of our democracy, and the cause of freedom? What is the weight of personal acclaim compared to the weight of conscience?

Leader MCCONNELL said that the vote today is the most important in his 36 years of public service. Think of that after his authorizing two wars and voting against two impeachments. He said that not because the vote reveals something about the election but because this vote reveals something about us.

I urge my colleagues to move forward with completing the electoral count, to refrain from further objections, and to unanimously affirm the legitimacy of the Presidential election.

Thank you, Mr. President.

The VICE PRESIDENT. The Democratic leader.

Mr. SCHUMER. The Senator from New Hampshire. Senator SHAHEEN.

The VICE PRESIDENT. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, on January 3, I, along with 31 of my colleagues, stood in this Chamber and swore an oath to support and defend the Constitution of the United States. It is both ironic and deeply disappointing that only 3 days after swearing these oaths, some of my col-

leagues are coming close to breaking this promise.

Since 1797, each U.S. President has peacefully handed over power to the next, and that will happen again on January 20, when Donald Trump, despite the protesters today, the violence today—when Donald Trump leaves the White House at noon and Joe Biden becomes President.

We have heard tonight from both Democrats and Republicans about the importance of the voters speaking in the election and about the fact that there is no evidence of widespread voter fraud. But this is not just an issue for us here in the United States; this is an issue for nascent democracies around the world, which, as Senator ROMNEY said, look to the United States as an example. We are the shining city on the hill. We give those struggling under oppression hope for a better future.

Now, like so many of us in this Chamber, I have traveled to developing democracies around the world—to Afghanistan and Iraq, to the Western Balkans, to Africa, to the country of Georgia. I went there with my colleague Senator RISCH.

In 2012, we went to Georgia to observe officially, on behalf of the Senate, the election between outgoing President Mikheil Saakashvili and his United National Movement Party and the challenge by Georgian Dream, which was a newly formed party supported and funded by billionaire oligarch Bidzina Ivanishvili. It was a battle for Parliament, but also for control of the government.

Senator RISCH and I visited multiple polling places on election day, and we agreed with the international assessment that that election was free and fair and that Georgian Dream were the winners.

But there was real concern in the country that Saakashvili was going to refuse to give up power—that that would lead to violence, and it would end the nascent democratic reforms that were happening in that former Soviet Republic.

So Senator RISCH and I, the day after the election, went to visit President Saakashvili to try and talk him out of staying in power. I remember very clearly going to his home, and we sat down with him, and we pointed out that the hallmark of a democracy—what he had worked so hard for in his 8 years as President of Georgia—the hallmark of that was to turn over power in a peaceful election to the person the voters chose. Well, President Saakashvili listened to us, and he did leave office peacefully.

But it is important that future generations recognize that America—like democracies everywhere—depends on a peaceful transition of power, on believing in what the voters say, and ensuring that happens.

Unfortunately, we have heard from some Senators today who have been enabling President Trump's willful dis-

regard of the votes of our citizenry, even as they speak out against foreign leaders who ignore their own people.

They will fail, and history will remember them.

I hope that future generations will view the actions of some of those folks today as little more than an unfortunate anomaly.

Future opportunists may use this ill-fated effort to seek short-term political gain over the long-term stability of our Republic. But for the sake of our great country and America's standing in the world, I ask my colleagues today to fully endorse the results of the free and fair election and set aside this partisan attempt to subvert the will of the people. We should be venerating the peaceful transition of power, even if our own preferred candidate didn't win. That is, after all, who we are in the United States of America.

Thank you, Mr. President.

The VICE PRESIDENT. The majority leader.

Mr. MCCONNELL. Mr. President, I yield up to 5 minutes to the Senator from Ohio, Senator PORTMAN.

The VICE PRESIDENT. The Senator from Ohio.

Mr. PORTMAN. Mr. Vice President, you have fulfilled your duties as President of the Senate tonight with distinction, and we all appreciate it.

I thought about changing my mind and not speaking tonight, given the lateness of the hour, and I know all of my colleagues would have appreciated that greatly. But I thought it was necessary to speak because I want the American people, particularly my constituents in Ohio, to see that we will not be intimidated, that we will not be disrupted from our work, that here in the citadel of democracy, we will continue to do the work of the people. Mob rule is not going to prevail here.

Now, let's face it. We did not reclaim this Chamber tonight. Brave and selfless law enforcement officers stood in the breach and ensured that the citadel of democracy would be protected and that we would be defended, and we are deeply grateful for that—as is the Nation.

I have listened carefully to comments of my colleagues, and I have listened over the past couple of weeks as this issue has been discussed, and I tell you, for me, it is not a hard decision. I stand with the Constitution. I stand with what the Constitution makes clear: The people and the States hold the power here, not us.

My oath to the Constitution and my reverence for our democratic principles make it easy for me to confirm these State certifications.

By the way, I opposed this process some 15 years ago, when some Democrats chose to object to the electors from my home State of Ohio after the 2004 elections. I opposed it then, and I oppose it now. I said at the time that Congress must not thwart the will of the people. That is what we would be doing.



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## CONGRESSIONAL RECORD—SENATE

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Let's assume for a moment that those who object to the certifications are right, that the Constitution intended that a bare majority of Members of Congress could circumvent the States that have chosen to certify the popular votes of their own State citizens. I ask the objectors to think about the precedent that would be set if we were to do that.

What if the majority in the House and the Senate were of the other party when a Presidential candidate of our party came through a close Presidential election? Would you want a Congress controlled by the Democrats to play the role you now intend for us?

It is asking Congress to substitute its judgment for the judgment of the voters and its judgment for the judgment of the States that certified the results. And even forgetting the dangerous precedent that would be set, what would be the basis for objecting in this election?

Look, I voted for President Trump. I supported him because I believe the Trump administration's policies are better for Ohio and for the country. And I supported the Trump campaign's right to pursue recounts—they had every right to do it—and legal challenges.

I agree that there were instances of fraud and irregularities in the 2020 elections. I think we all do. And by the way, there are fraud and irregularities in every Presidential election.

But it is also true that after 2 months of recounts and legal challenges, not a single State recount changed the result. And of the dozens of lawsuits filed, not one found evidence of fraud or irregularities widespread enough to change the result of the election. This was the finding of numerous Republican-appointed judges and the Trump administration's own Department of Justice.

Every State has now weighed in and chosen to certify its electoral slate based on the popular vote, as set out in the Constitution.

I understand that many Americans who would never storm this Capitol don't trust the integrity of the 2020 election, don't think the States should have certified, don't think we should have accepted the results from the States, and are insisting on more transparency and accountability.

In the 2016 elections, lest we forget, many Democrats objected to the results and distrusted the election.

I challenge my colleagues on both sides of the aisle to listen but also to do our part to try to restore faith in our elections. We should all work to improve the integrity of the electoral system and the confidence of the American people in this bedrock of our great democratic Republic.

Today, I will do my constitutional duty and oppose these efforts to reject the State-certified results.

And tomorrow, in the wake of this attack on the Capitol, the pandemic that engulfs us, and other national

challenges, let's work together for the people.

The VICE PRESIDENT. The Democratic leader.

Mr. SCHUMER. Mr. President, I believe we have 8 minutes left, so I would like to divide 4 to Senator KING and 4 to Senator VAN HOLLEN.

The VICE PRESIDENT. That is correct.

The Senator from Maine.

Mr. KING. Mr. President, Winston Churchill once said that he could do a 2-hour speech extemporaneously, but a 10-minute speech took immense preparation. I don't know what he would have said about a 4-minute speech.

We are a 240-year anomaly in world history. We think that what we have here in this country is the way it has always been.

It is a very unusual form of government. The normal form of government throughout world history is dictators, kings, czars, pharaohs, warlords, tyrants. And we thought 20 years ago the march of history was toward democracy, but it is in retreat in Hungary and Turkey—goodness knows, in Russia.

Democracy as we have practiced it is fragile. It is fragile, and it rests upon trust. It rests upon trust in facts, in public officials, and, yes, in elections.

I don't sympathize or justify or in any way—in any way—support—that is putting it mildly—what happened here today, but I understand it. I understand it because I saw those people interviewed today, and they said: We are here because this election has been stolen.

And the reason they said that is that their leader has been telling them that every day for 2 months.

We cannot afford to pull bricks out from the foundation of trust that underlies our entire system. And I agree with Governor ROMNEY that the answer to this problem is to tell people the truth—is to tell them what happened.

It is easy to confront your opponents. It is hard to confront your friends.

It is hard to tell your supporters something they don't want to hear, but that is our obligation. That is why the word "leader" is applied to people in jobs like ours. It is not supposed to be easy. It is supposed to be something that we take on as a sacred obligation, and if people believe something that isn't true, it is our obligation to tell them: No, I am sorry, it isn't, just as Senator PORTMAN just said, as MIKE LEE just said: I am sorry we can't do this here. We don't want to do this here. This is a power reserved to the States, not to the Congress.

And I agree with the majority leader. I think this is one of the most important votes any of us will ever take.

On December 1, 1862, Abraham Lincoln came to this building. He came to this building in the darkest days of the Civil War. He was trying to awaken the Congress to the crisis that we were fac-

ing, and he didn't feel that they were fully and effectively engaged. He ended his speech that day with words that I think have an eerie relevance tonight. Here is what Abraham Lincoln said:

Fellow-[Americans], we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us.

And here are his final words:

The fiery trial through which we pass will light us down in honor or dishonor to the latest generation.

The fiery trial through which we pass, will light us down in honor or dishonor to the latest generation.

Thank you, Mr. President.

The VICE PRESIDENT. The Senator from Maryland.

Mr. VAN HOLLEN. Thank you, Mr. President. The mob violence and attack we saw on our Capitol today should be a wake-up call to each and every one of us of what happens when we fail to come together, not as Democrats and Republicans but each of us as Americans, to stand up to a President who time and again has shown contempt for our democracy, contempt for our Constitution.

Today, here on the Capitol, we witnessed people taking down an American flag and putting up a Trump flag. That is not democracy in the United States of America.

As every Senator who has spoken has mentioned, we have for hundreds of years had a peaceful transfer of power. Nobody likes to lose, and supporters of the losing candidate are always disappointed. What is different this time?

We all know what is different this time. We have a President who, as the Senator from New Jersey said, even before a vote was cast, that if he didn't win the election, it was going to be a fraud and every day since then has perpetrated that lie.

We have a President who just today criticized the very loyal Vice President, who is presiding right now, urging him to disregard his responsibilities under the Constitution of the United States in order to reinstall Donald Trump as President; the same person who got on the phone to the secretary of state in Georgia and threatened him to change the results of the election.

Mr. President, I read something this week I never thought I would read in a newspaper in the United States of America. It was an op-ed by all the living former Secretaries of Defense, including Secretaries Rumsfeld, Cheney, and Mattis, warning—warning—the country about our tradition of peaceful transfer of power and that it would be inappropriate for the military to take sides in the United States of America. We talk to the world about how we want to promote democracy and our values, and right here at home too many are undermining those values.

Mr. President, Donald Trump could not do this alone. He could only do it if he is aided and abetted by individuals



who are willing to perpetrate those lies and those conspiracies, and that is why it is so important that we as Democrats and Republicans and Senators stand up together—stand up together and tell the truth. You know when you go into a court of law, like those 60 cases, you are testifying under penalty of perjury. That is very different than here in the House and the Senate, and in all those 60 cases, under penalty of perjury, there was no evidence of widespread fraud. So it should be easy for us all together to tell the truth.

On January 20, Joe Biden will be sworn in as the next President of the United States. He has said he wants to bring the country together. He has said he wants to bring Democrats and Republicans together to do some of the pressing business of this country, to defeat this pandemic, to get the economy going again, to face challenging issues of racial and social justice. I hope we will learn from what happened today—the mob attack on this Capitol—the price we pay when we don't stand up for the truth and for democracy.

James McHenry, Maryland's delegate to the Constitutional Convention, wrote about a famous exchange in his diaries between Elizabeth Willing Powel and Benjamin Franklin. A lady asked Dr. Franklin, "Well, Doctor, what have we got, a Republic or a monarchy?" "A republic," replied Dr. Franklin, "if you can keep it."

My colleagues, this is a test of whether we unite to keep our Republic. I hope we will pass the test together. Thank you.

Mr. LEAHY. Mr. President, January 6, 2021, will forever mark a historic day for our Nation. Not simply because our beloved Capitol building—the very heart of our democracy—laid under siege. Not simply because rioters stormed the Senate and House floors, assaulting Capitol Police officers and leaving a wake of destruction along the way. Not simply because the President of the United States encouraged his supporters to commit these felonies—to march to the Capitol and "to fight," in his words. No, today will also be remembered because of what happened before all of that. Today, over 100 Members of the House and a dozen Senators supported a ploy to deprive the States and the American people of their constitutional role to choose our next President—a ploy that amounts to nothing less than an assault on our Constitutional republic.

The President's obscene claim that the election was stolen from him, which he continued to spout even while his rioting supporters roamed the Halls of the Capitol today, has been disproven time and again. Every single Senator knows that Vice President Biden won the election and did so decisively. Claims that President Trump won reelection are not just fantasy; they are delusional. And citing voters' mistrust in the election results as grounds for this stunt is particularly

disingenuous given that those concerns have been fueled by the President's own baseless conspiracy theories—not by the evidence, not by the facts, and not by State election administrators, both Republicans and Democrats, who actually oversaw these elections and know what they are talking about.

President Trump and his allies have now lost more than 60 cases in courts across the country, by judges of every political stripe, including those appointed by the President. The lopsidedness of these decisions has been extraordinary. It has been nothing less than a wholesale rejection of the President's claims. But this is not surprising. The President's own Attorney General said there is no evidence of widespread fraud. His own Department of Homeland Security described it as the "most secure election in American history."

President Trump serves no one but himself. He is not a custodian or guardian of our democracy. He is a man whose every decision is driven by his shallow self-interest. I did not expect him to be gracious in defeat. I expected him to throw tantrums. I am not even surprised that his rhetoric has incited violence, as it has today. That is who President Trump is: we have all known that for some time. I am surprised and disappointed that so many Members of this body have let it get this far. After he incited rioters and criminal actions by a mob attacking America's symbol of democracy, our Capitol, what more will he do? He should just leave. He has damaged the country enough.

Our job today is simply to count the votes and to certify that Joe Biden won the election. Pretending that Congress could effectively overturn the will of the American people has, predictably, poured gasoline on an already lit fire. We must now get to work to put this fire out. I am glad that Congress is taking the first step now—that is, to stop with this nonsense and certify this election. The next step will be harder. The only way we stand a chance of coming together as a country, let alone making progress for the American people, is by working together.

I am thankful to the many Senate Republicans who have forcefully rejected this dangerous political stunt, even before the violence. Your words had meaning and sent a message to the country that our democracy will endure.

I have served in the Senate for 46 years. I can tell you that history will remember this sad day. So let us ensure that it is not just remembered for the destruction, for the President's recklessness, and for those in Congress who so casually attempted to overturn the will of the American people. Let us work together now and certify this election, so this day will also be remembered for those who stood up and rejected this dangerous political stunt for the good of the Republic and for the good of the American people.

Mrs. FEINSTEIN. Mr. President, Today has been a dark day that will

take a long time and a lot of work to overcome. It has been a day truly unworthy of our Nation.

I thank the U.S. Capitol Police, the U.S. Secret Service, the law enforcement officers from Washington, DC, Maryland, and Virginia, the National Guard, and others who have protected this institution and the U.S. Congress today.

There will be time to say more about today's events, but I rise now to speak about the unprecedented actions today to attempt to undermine a fairly and properly conducted democratic election.

Under our system of government, States bear the primary responsibility for running elections and certifying election results, and that is exactly what we have seen—all 50 States and the District of Columbia have certified the results of the 2020 Presidential election.

The results of the election are clear: Joe Biden and KAMALA HARRIS won.

Challenging these electoral votes now is the height of hypocrisy for a party that prides itself on States' rights.

Even worse, today's actions are based on the faulty premise that this election was somehow tainted by widespread fraud, which is flat out wrong.

Protesting these votes today is a disservice to our constitutional order and the more than 81 million Americans who voted for Joe Biden and KAMALA HARRIS.

We must also recognize that today's actions could echo far beyond this election. Our democratic Republic has survived as a result of certain bedrock principles, including the peaceful transfer of power and the right of the people to elect their leaders.

For Congress to challenge the legitimacy of electoral votes because President Trump is upset that he lost far exceeds our role as envisioned by our Founding Fathers.

These challenges threaten the very core of a functioning democracy—that voters and votes matter.

If a State's electoral votes can be set aside by Congress based on conspiracy theories dreamed up by the President and his followers, the value of free and fair elections is damaged.

Mr. President, those who feel they needed to protest today's results say they do so because of allegations of fraud. The problem is, those allegations all originate from President Trump himself.

The Justice Department found no evidence of widespread fraud. Attorney General Barr himself said there were no irregularities that could have affected the outcome of the election.

Likewise, our courts—including the Supreme Court—have tossed out lawsuit after lawsuit filed by President Trump and his allies, more than 60 in total.

I appreciate those Republicans Senators who have stood up for democracy and against these baseless objections to the election results.



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Senator ROMNEY called it an "egregious ploy."

Senator TOOMEY said, "Allegations of fraud by a losing campaign cannot justify overturning an election."

Senator PORTMAN said, "I cannot support allowing Congress to thwart the will of the voters."

And Senator THUNE added, "It's time for everybody to move on."

He is right; the election is over. President-Elect Biden won.

Especially now, after all of the events of the day. It is truly time to get to work repairing our country.

Thank you, Mr. President. I yield the floor.

Mr. CARPER. Mr. President, "free, fair elections are the lifeblood of our democracy. Charges of unfairness are serious, but calling an election unfair does not make it so. Charges require specific allegations and then proof. We have neither here."

Those aren't my words. Those are the words of a judge on the U.S. Court of Appeals for the Third Circuit, rejecting President Trump's legal challenges to the Pennsylvania election—a judge who, I might add, was a longtime member of the conservative Federalist Society and was nominated to the bench by President Trump.

Mr. President, the 2020 presidential election was hard-fought, but the American people spoke clearly and decisively: 81.2 million votes for Joe Biden, 74.2 million votes for Donald Trump, 51.3 percent of the vote for Joe Biden, 46.8 percent of the vote for Donald Trump, 306 electoral college votes for Joe Biden, 232 electoral college votes for Donald Trump.

Accepting the outcome of an election can be difficult when our political party doesn't win, but calling an election unfair does not make it so.

More than 60 Federal and State courts, involving more than 90 judges, many of whom were nominated by Republican Presidents, including President Trump, are all in agreement. No evidence of widespread fraud, wrongdoing, or other irregularities have been uncovered during the 2020 election.

Unfortunately, some of our colleagues today ask us to do the same thing Donald Trump asked of the secretary of state of Georgia: to overturn the results of the 2020 election without specific allegations and without proof. Our colleagues are asking us not to abide by the will of the people but to bend to the will of one man, Donald Trump.

In 1787, delegates from 13 States convened in Philadelphia to debate the future of our country. Our Founders disagreed on many things, but they did agree that they didn't want a King, and they set up an intricate system of checks and balances to ensure that we would never have an all-powerful King. That system of checks and balances is being pushed to a dangerous limit here today, but it will prevail.

Here are just some of the claims Donald Trump and his legal team have

made and that our colleagues lend credence to today: that Venezuela, Cuba, and China rigged our country's voting machines in favor of Joe Biden; that dead people voted in this election and they only voted for Joe Biden; and that poll watchers and election observers—who risked their lives during this pandemic to uphold the integrity of our elections—stuffed ballot boxes with Biden votes and shredded Trump votes. Not one—let me repeat—not one of these things is true. There is no evidence to back up these ridiculous claims.

Many of these absurd claims from Donald Trump and his legal team are nothing more than conspiracy theories circulating online. This misinformation and dangerous rhetoric from the President and his allies, including calls for violence, have polluted our discourse and imperiled our peaceful transition of power. And when our colleagues show indifference or outright support for these unsubstantiated claims and conspiracy theories, they lead our nation and our Constitution down a dangerous path. We all swore an oath to support and defend our Constitution—not our political party, and certainly not any individual candidate.

Colleagues, for the safety of our citizens and our Republic, we must lead by example and turn the temperature down. It was a hard-fought campaign, but the campaign is over, the votes have been counted, the count has been certified in all 50 States, and in 2 weeks, on January 20th, Joe Biden and KAMALA HARRIS will be sworn-in as President and Vice-President of the United States.

We have serious and urgent challenges that will require working with our new President and Vice President and with one another, including making sure hundreds of millions of Americans can be vaccinated, getting our kids back to school, and getting their parents back to work, just to name a few.

It is time to stop trying to overturn the will of the people and get back to working on their behalf.

President Lincoln observed at the end of the Gettysburg Address that ours is a "government of the people, by the people, and for the people." Even in the midst of a Civil War, President Lincoln put his unwavering faith in "the people" to chart our Nation's course. We would be wise to remember Lincoln's words in this moment. We are not a government of Trump, by Trump, and for Trump. We are a government of the people, by the people, and for the people. And the people have spoken. Our only job today is to listen to them.

Mr. CARDIN. Mr. President, not liking whom the voters choose to vote for in an election does not mean it is a fraudulent election. Enabling such talk and actively working to disseminate false information that cripples our government is in itself a fraud committed against the American people and our Constitution.

This past November, the American people voted in the highest numbers we have seen in our Nation's history. More than 155 million Americans cast a ballot in what was a free and fair election.

A clear majority voted for former Vice President Joe Biden over President Donald Trump. This was not the closest election in our Nation's history by a long shot. President-Elect Joe Biden won by more than 7 million votes. He and Vice President-Elect KAMALA HARRIS won 306 electoral votes. Donald Trump and Mike Pence received 232 electoral votes.

Given the tremendous impact the COVID-19 pandemic has had on our country, everyone should be overwhelmed that Americans turned out in such strong numbers for this election. People should not have to choose between casting their ballot and protecting their own health and their family's health. The pandemic wreaked havoc in so many of our lives for much of last year, which is why our election officials in most States responded by taking special measures and precautions to protect the right to vote while safeguarding the health and well-being of voters and election judges alike.

Election security officials, Federal and those in all 50 States and the District of Columbia—Democrats, Republicans, and Independents—have all certified that we held a free and fair election despite these extraordinary circumstances. The Department of Homeland Security, DHS, stated that the November 3 election was "the most secure in American history" and that "there is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."

President Trump responded how we would expect a would-be autocrat to respond, by firing the head of the DHS agency overseeing election security, pursuing baseless and groundless lawsuits, and promoting wild conspiracy theories about a rigged election. These lawsuits repeatedly have been dismissed as frivolous by both State and Federal judges appointed by both Republican and Democratic Chief Executives.

There is simply no evidence of widespread voter fraud claims in this election that can credibly affect the outcome of the election, which even former U.S. Attorney General William Barr—speaking on behalf of the Department of Justice—acknowledged. In December, the electoral college met to certify the results, and all of the States and the District of Columbia have now regularly reported their results to Congress, pursuant to the 12th Amendment to the Constitution.

In Pennsylvania, a panel of the Third Circuit Court of Appeals unanimously rejected President Trump's lawsuit making claims that a State court had already dismissed. Stephanos Bibas—a judge whom President Trump appointed—wrote, "Free, fair elections



are the lifeblood of our democracy. Charges of unfairness are serious. But calling an election unfair does not make it so. Charges require specific allegations and then proof. We have neither here."

On Monday, January 4, in the U.S. District Court for the District of Columbia, James Boasberg—whom George W. Bush originally appointed to the bench—dismissed yet another frivolous lawsuit seeking to stop Congress from certifying President-Elect Joe Biden's victory when it meets in joint session to tally the electoral college votes on Wednesday.

In a 7-page opinion, Judge Boasberg noted that the plaintiffs had filed in the wrong court; did not have standing to sue; and had made no effort to serve defendants with the suit, a legal requirement. He indicated that he was contemplating referring the case to the Court's Committee on Grievances "for potential discipline of Plaintiffs' counsel." More importantly, he wrote, "the suit rests on a fundamental and obvious misreading of the Constitution." He concluded, "It would be risible were its target not so grave: the undermining of a democratic election for President of the United States."

After being shut down again and again by the courts and State election officials—the people who run the elections—President Trump has continued his sordid campaign to undermine the rule of law in our Nation. He continues to fan the flames of division in our Nation, including encouraging fringe elements seeking to declare martial law or have the military intervene to overturn the election results. This demagoguery led all 10 former Secretaries of Defense who are still living—Republicans and Democrats alike—to warn against any attempt to involve the military in pursuing claims of election fraud, arguing that it would take the United States into "dangerous, unlawful and unconstitutional territory."

President Trump and his enablers' ceaseless provocations call into question whether we can have a peaceful and orderly transition of power in the United States. This concern is not theoretical, as we saw today, as a lawless mob encouraged by the President temporarily took control of our sacred Capitol.

President Trump's recent phone call to pressure the Georgia secretary of state to "find" the votes he needs to win the State is his latest failure to take care that the laws be faithfully executed.

Historically, American Presidents have understood that America is a democracy and not an autocracy or a cult of personality. I find it unfathomable that we even need to say that out loud.

Elected legislators cannot, in good conscience, allow President Trump to continue to act like a dictator by trying to undermine valid election results and trash and burn our Republic on his way out of office.

If a foreign leader acted in such a blatant way to overturn legitimate

election results, the full U.S. Congress would forcefully condemn such autocratic and undemocratic moves.

My congressional colleagues who are objecting to the electoral college results without any evidence or legal basis must stop coddling President Trump's insatiable ego. They must remember their oath is to the Constitution and not the President.

Sixty years ago, John F. Kennedy warned that people who foolishly seek power by riding the back of the tiger ultimately end up inside its belly. People should heed that advice. It is time to put country before personal ambition.

Mr. TILLIS. Mr. President, the American people should have full faith in our election system, which is why I led the passage of voter ID legislation in North Carolina and why I supported President Trump's right to call for recounts and bring challenges to the courts. I share the concerns of many Americans regarding the lack of security of widespread mail-in voting and the partisan actions of activist Democratic lawyers who succeeded in making questionable changes to the voting process while Americans were already casting their ballots. Even if it wasn't enough to change the outcome of the election, irregularities and fraud are never acceptable, and they should be investigated and prosecuted when appropriate.

The Framers of our Constitution made it clear that the power to certify elections is reserved to the States, not Congress. Refusing to certify State election results has no viable path to success, and, most importantly, it lends legitimacy to the left's stated policy objective of completely federalizing elections and eliminating the electoral college. Congress should not overstep its constitutional authority by overturning the results of States and the will of American voters, especially absent legitimate requests from States for Congress to intervene.

It is a precedent we should not set, and NANCY PELOSI and CHUCK SCHUMER should not have the power to set aside electors after the 2024 election and overrule Federal courts and the Constitution as they see fit.

I was proud to support President Trump's agenda and campaign with him, and I am deeply disappointed he was not reelected despite his success in creating jobs, cutting taxes, securing a conservative judiciary, reforming the VA, and rebuilding our military. Although I certainly wish the results were different, Congress cannot change them without inflicting irreparable damage to our constitutional Republic. I will not oppose the certification of the electoral college votes, and I will not embolden politicians in the future to appoint our Presidents instead of having the American people duly elect them.

Mr. KELLY. Mr. President, In America, we have fair elections and peaceful transitions of power. In America, de-

mocracy prevails over chaos. And in America, those who commit violent acts against our government are held accountable. These are the values that I served to defend in the U.S. Navy and that I have sworn an oath to uphold in the Senate, and they have not failed us.

Our democracy was tested today—first, by a baseless objection to Arizona's electoral votes, despite the fact that Arizona's elections were fairly administered and certified by a Republican Governor, a Democratic Secretary of state, and public servants at every level of government and representing both political parties; and then again when individuals, spurred on by the President, stormed the Capitol in an unpatriotic attempt to overturn our election. They will fail. Tonight we will count Arizona's electoral votes and those of every other State.

For centuries, our democracy has thrived because after elections we have come together to find common ground and solve our challenges, and that is the work we begin tonight. My focus will continue to be on representing Arizonans by working with Republicans and Democrats and the incoming administration to beat this virus and rebuild our economy.

Mrs. LUMMIS. Mr. President, it is the privilege of a lifetime to represent the people of Wyoming in this great deliberative body. I genuinely look forward to joining each of you to make a difference for the American people and to uphold my solemn oath to support and defend the Constitution.

Let me be clear. An attack on our Capitol is an attack on our Constitution and democracy itself. I strongly condemn the violence that occurred today, which did more to thwart the democratic process than to protect it. Today, many Members of the Senate were trying to peacefully use our democratic process to ensure each and every American's vote counts. In the best tradition of the U.S. Senate, we will fulfill our constitutional duty and complete the electoral count tonight.

In 1833, Senator Daniel Webster said that "duty binds . . . the conscience of the individual member" in counting the votes for President and Vice President. Each of us has a solemn duty to ensure that the slate of Presidential electors we certify is beyond reproach, respecting the people's voice and upholding the Constitution.

Congress will not overturn the people's voice. A president will be inaugurated on January 20. Congress cannot and shall not dictate the results of a Presidential election to our States. That would be the death of our Republic.

In the coming months, Congress must take a fresh look at troubling concerns from the election that simply don't add up. After the 2000 Presidential election, millions of voters in Florida felt disenfranchised, and now 74 million Americans deserve the assurance and the dignity that their votes



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count the same as every other American. We owe our first duty to the American people, following procedures—like the Electoral Count Act—used for nearly 150 years.

It is my fervent hope that our State legislatures will consider meaningful election reform to ensure that our election laws are applied uniformly, to ensure the technology we use is accurate and secure, and, most importantly, to ensure that all Americans treasure our precious right to vote and feel their voices are heard. States are at the very center of elections in our country and will remain so.

Many ask why Congress should be involved in election matters that have been considered by the courts. Some argue that Congress' role in certifying our Presidential elections is merely ministerial. Under our constitutional separation of powers, it is too often forgotten that Congress has the right and duty to interpret the Constitution, especially on matters which by the Constitution have been delegated to Congress, like the electoral count. Congress interpreted the Twelfth Amendment in passing the Electoral Count Act in 1887 and continues to breathe new life into these provisions by its actions today. Our Founders understood Congress would play a key role in debating constitutional issues as a co-equal branch of government. Thomas Jefferson commented in an 1819 letter that "each of the three departments [of government] has equally the right to decide for itself what is its duty under the Constitution."

I remain deeply concerned that the electoral votes of the Commonwealth of Pennsylvania were not "regularly given" under Pennsylvania law, as required by the Electoral Count Act. Serious concerns have been raised about the constitutionality of Pennsylvania's vote-by-mail statute. Also, Pennsylvania election law may have been applied unevenly by State officials, including signature verification and voter identification requirements.

In 2005, Senator Barbara Boxer and the late Representative Stephanie Tubbs Jones objected to the slate of electors from Ohio. They rightfully drew attention to the fact that many African-Americans and other communities suffered disproportionate wait times at the polls, broken voting machines, and high ballot rejection rates. Raising this objection led to some of these issues being remedied and more Americans having the precious opportunity to vote. That is a legacy our Senate and every American should value today.

Thank you.

The VICE PRESIDENT. The majority leader.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the Senator from South Carolina, Senator GRAHAM.

The VICE PRESIDENT. The Senator from South Carolina.

Mr. GRAHAM. Many times, my State has been the problem. I love it. That is where I want to die but no time soon.

Tim and I have a good relationship. I love TIM SCOTT. In 1876, South Carolina, Louisiana, and Florida sent two slates of electors—they had two Governors, by the way—and we didn't know what to do. Why did South Carolina, Florida, and Louisiana do it? To hold the country hostage to end Reconstruction. It worked.

The Commission was 8 to 7. It did work. Nobody accepted it. The way it ended is when Hayes did a deal with these three States: You give me the electors, I will kick the Union Army out. The rest is history. It led to Jim Crow. If you are looking for historical guidance, this is not the one to pick.

If you are looking for a way to convince people there was no fraud, having a commission chosen by NANCY PELOSI, MITCH McCONNELL, and John Roberts is not going to get you to where you want to go. It ain't gonna work. So it is not going to do any good. It is going to delay, and it gives credibility to a dark chapter of our history. That is why I am not with you, but I will fight to my death for you. You are able to object. You are not doing anything wrong. Other people have objected. I just think it is a uniquely bad idea to delay this election.

Trump and I have had a hell of a journey. I hate it being this way. Oh, my God, I hate it. From my point of view, he has been a consequential President. But today, the first thing you will see, all I can say is, count me out. Enough is enough. I tried to be helpful. But when the Wisconsin supreme court ruled 4 to 3 that they didn't violate the Constitution of Wisconsin, I agreed with the three, but I accept the four. If Al Gore can accept 5 to 4 he is not President. I can accept Wisconsin 4 to 3.

Pennsylvania went to the Second Circuit. So much for all the judges being in Trump's pocket. They said: No, you are wrong. I accept the Pennsylvania Second Circuit that Trump's lawsuit wasn't right.

Georgia, they said the secretary of state took the law in his own hands, and he changed the election laws unlawfully. A Federal judge said no. I accept the Federal judge, even though I don't agree with it.

Fraud. They say there is 66,000 people in Georgia under 18 voting. How many people believe that? I asked: Give me 10. I haven't had one. They said 8,000 felons in prison in Arizona voted. Give me 10. I haven't gotten one.

Does that say there are problems in every election? I don't buy this. Enough is enough. We got to end it.

Vice President PENCE, what they are asking you to do, you won't do because you can't.

Talk about interesting times. I associate myself with RAND PAUL. How many times will you hear that? The mob has done something nobody else could do to get me and Rand to agree. Rand is right. If you are a conservative, this is the most offensive concept in the world that a single person could disenfranchise 155 million people.

[T]he President of the Senate shall, in the presence of the Senate and the House of Representatives, open all certificates and the votes shall then be counted: The person having the greatest number of votes for President shall be President.

Where in there does it say that Mike can say, "I don't like the results; I want to send them back to the States; I believe there was fraud"?

To the conservatives who believe in the Constitution, now is your chance to stand up and be counted.

Originalism, count me in. It means what it says.

So Mike—Mr. Vice President, just hang in there. They said: We can count on Mike. All of us can count on the Vice President. You are going to do the right thing. You are going to do the constitutional thing. You have a son who flies F-35s. You have got a son-in-law flying F-18s. They are out there flying so we can get it right here.

There are people dying, to my good friend from Illinois, to make sure we have a chance to argue among ourselves, and when it is over, it is over. It is over.

The final thing, Joe Biden. I have traveled the world with Joe. I hoped he lost. I prayed he would lose. He won. He is the legitimate President of the United States. I cannot convince people, certain groups, by my words, but I will tell you by my actions that maybe I, above all others in this body, need to say this. Joe Biden and KAMALA HARRIS are lawfully elected and will become the President and the Vice President of the United States on January the 20th.

(Applause. Senators rising.)

The VICE PRESIDENT. The majority leader.

Mr. McCONNELL. Mr. President, I yield back the balance of our time.

VOTE ON OBJECTION TO COUNTING OF ARIZONA  
ELECTORAL VOTES

The VICE PRESIDENT. All time has expired.

The question is, Shall the objection submitted by the gentleman from Arizona, Mr. GOSAR, and the Senator from Texas, Mr. CRUZ, and others be sustained?

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 6, nays 93, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS 6

Cruz	Hyde-Smith	Marshall
Hawley	Kennedy	Tuberville

NAYS 93

Baldwin	Brown	Coons
Barrasso	Burr	Cornyn
Bennet	Cantwell	Cortez Masto
Blackburn	Capito	Cotton
Blumenthal	Cardin	Cramer
Blunt	Carper	Crapo
Booker	Casey	Daines
Boozman	Cassidy	Duckworth
Braun	Collins	Harbin



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Ernst	Loeffler	Sasse
Fehsenfeld	Lujan	Schaff
Fischer	Lummis	Schumer
Gillibrand	Manchin	Scott (FL)
Graham	Markley	Scott (SC)
Grassley	McConnell	Shaheen
Hagerty	Menendez	Shelby
Harris	Merkley	Sinema
Hassan	Moran	Smith
Heinrich	Murkowski	Stabenow
Hickenlooper	Murphy	Sullivan
Hirono	Murray	Tester
Hooven	Paul	Thune
Inhofe	Peters	Tillis
Johnson	Portman	Toomey
Kaine	Reed	Van Hollen
Kelly	Risch	Warner
King	Romney	Warren
Klobuchar	Rosen	Whitehouse
Lankford	Rounds	Wicker
Leahy	Rubio	Wyden
Lee	Sanders	Young

The VICE PRESIDENT. On this vote, the yeas are 6, the nays are 93.

The objection is not sustained.

The Secretary will notify the House of the action of the Senate, informing that body that the Senate is now ready to proceed to joint session for further counting of the electoral vote for President and Vice President.

The majority leader,

Mr. MCCONNELL. So, colleagues, here is where we are. We have a few more speakers now as we wait for the House to finish their debate and vote. We expect the House to finish voting on Arizona between 11:30 and midnight.

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with the following Senators permitted to speak therein for up to 5 minutes each: Senator TOOMEY, Senator RUBIO, and Senator COLLINS.

Mr. SCHUMER. And on our side, Senators WYDEN, HIRONO, and COONS.

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## OBJECTION TO COUNTING OF PENNSYLVANIA ELECTORAL VOTES

Mr. TOOMEY. Mr. President, I appreciate the indulgence of my colleagues allowing me to speak twice today. But my understanding is that later this evening, objectors will object to the certification of Pennsylvania's electoral votes because they disapprove of the process that my State used in the last election. So in light of my expectation of this objection, I rise to defend the right of my citizens, my constituents, to vote in the Presidential election.

Let's be clear. That is exactly what this objection is about. It is what it would do. It would overturn the results of the Presidential election in Pennsylvania, and it would thereby deny Pennsylvania's voters the opportunity to even participate in the Presidential election.

Even if Congress did have the constitutional responsibility to judge the

worthiness of a State's election process, which it does not, rejecting Pennsylvania's electoral votes would still be wildly out of proportion to the purported offenses and very damaging to our Republic.

Let me go through a few facts about Pennsylvania.

First, some of the objectors and, in fact, even the President of the United States this morning have observed that the Pennsylvania Supreme Court disregarded existing law when it ruled that mail-in ballots could be counted even if they arrived up to 3 days after election day.

Now, the objectors are right about that. In my view, the Supreme Court of the United States should overturn that illegal decision. But only 10,097 ballots arrived in Pennsylvania during the 3 days after the election, and those 10,097 ballots have been excluded from the vote count that resulted in President-Elect Biden winning Pennsylvania by about 80,000 votes. What greater remedy could the objectors possibly want than the complete exclusion of the late-arriving ballots? How could we possibly invalidate the entire Pennsylvania election over 10,000 votes that were not even included in the vote count?

A second charge we heard—and the Senator from Missouri alluded to it this evening—is that a 2019 Pennsylvania law that allows mail-in ballots for any reason—that that might violate the Pennsylvania Constitution. First of all, as Senator CASEY observed, this was a bipartisan law passed with nearly unanimous Republican support. Clearly, the State legislators and the Governor believe it is consistent with the Pennsylvania Constitution.

Secondly, this law was not challenged when it was passed. It wasn't challenged when it was applied during the June primary election. It was challenged only after President Trump lost the general election. But 2.6 million Pennsylvanians voted by mail-in ballot in the general election. Over 37 percent of Pennsylvania voters, in good faith, relied on a law to cast their votes, as they had done previously. Now, I understand you can make a theoretical argument about whether this is consistent with Pennsylvania's Constitution, and that needs to be resolved for future elections. But because of this constitutional question that some people have, the objectors want to prevent Pennsylvania voters from participating in the Presidential election entirely. That would be an outrageous remedy to this purported offense.

A third charge we have heard is that Pennsylvania officials did not properly implement Pennsylvania election law in a variety of other ways. But the Trump campaign has shown that many of these issues have—well, first of all, none of these issues would have changed the election outcome, but more importantly, the campaign had many opportunities, of which it availed itself, to litigate these issues. They did

time and again, and they lost repeatedly, often in unanimous, bipartisan decisions.

Some of the objectors also cite Congress's own failure to investigate allegations of election irregularities, and that is their justification for refusing to certify the election results. But the allegations of election irregularities and fraud have been investigated. They have been adjudicated. They were adjudicated in the States in which they were alleged to have occurred.

In Pennsylvania, the Trump campaign took their case of election irregularities into the courtroom of Judge Matthew Brann of the Federal district court. Judge Brann is a conservative Republican Federalist Society member. Here is what he said about the Trump campaign case:

This court has been presented with strained legal arguments without merit and speculative accusations . . . unsupported by evidence. In the United States of America, this cannot justify the disenfranchisement of a single voter, let alone all [the] voters of the sixth most populated state.

So the campaign then appealed Judge Brann's decision to the Third Circuit, and they drew a three-judge panel, all Republican-appointed judges, one appointed by President Trump. The panel concurred with Judge Brann.

Certainly there were irregularities in this election—there always are—but there is no evidence of significant fraud, conspiracies, or even significant anomalies that cast any serious doubt on who actually won the election.

You know, one of the ways you can tell is to look at the big picture in Pennsylvania. Look at what happened. In 2016, President Trump won Pennsylvania by eight-tenths of 1 percent. In 2020, he lost Pennsylvania by a little over 1 percent. Is there anything at all that is implausible or surprising about a 2-percent change in the election outcome?

Relative to 2016, in Pennsylvania the President lost a little ground in most of the rural counties he had carried. He lost a lot of ground in the big suburban counties, and he slightly narrowed his large loss in Philadelphia. There are no surprises here. This reflects a pattern that occurred all across the country.

My colleagues, as I have said, it is not our responsibility to sit in judgment of State election procedures in the first place, but if it were, there would not be nearly sufficient reason to deny my constituents their right to participate in this Presidential election.

Joe Biden won the election. That is not what I had hoped for, but that is what happened. It was an honest victory with the usual minor irregularities that occur in most elections.

We witnessed today the damage that can result when men in power and responsibility refuse to acknowledge the truth. We saw bloodshed because the demagogue chose to spread falsehoods and sow distrust of his own fellow Americans. Let's not abet such deception. Let's reject this motion.



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The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, with just a few minutes to speak, I am going to get right to the point.

Gunfire in the halls here, IEDs on the Capitol grounds—I will say to my colleagues, with the domestic terrorists roaming the halls just a few hours ago. I have been stunned that this debate is actually going forward, and that is because, colleagues, this is a fake debate on electoral certifications; that is because it lends credibility to the bogus idea that the Congress can actually toss out the results of the election, and, as we saw today, it serves to fuel insurrection.

Contrary to what some of my "aye" voting colleagues believe by votes cast just a few minutes ago, this debate has never been about setting up some kind of routine election tribunal. This isn't about election security. If the Republic majority for the last 2 years had actually been interested in election security, they would not have worked relentlessly to block my legislation to secure our 2020 elections with hand-marked paper ballots and post-election security audits.

By the way, those are the kinds of approaches that are part of the Oregon system, where for 25 years we voted by mail. I am the Nation's first mail-in U.S. Senator. The second—and I see my colleagues from Maine and Alaska here because they are very fond of him, like I am—Gordon Smith, a Republican, was the second mail-in U.S. Senator in our country. That is because we do the job right. It is efficient.

Our late-Republican secretary of state, Dennis Richardson, actually told President Trump there was no evidence of fraud.

So if Republicans had been interested over the last 2 years in actually working with me and colleagues on both sides of the aisle and secretaries of state, we could have had an approach that would have empowered the Oregon idea to go national. Instead, we are now debating tonight the idea of—a discussion grounded in total fiction, brewed in cauldrons of conspiracies online. These, colleagues, are fever dreams—fever dreams laundered by people with election certificates and real power. And I will tell you, it has been painful to watch colleagues sidle up to some of those conspiracies that would inflict so much damage on the American experiment.

Colleagues, I am going to close with one last point. We saw today an effort by domestic terrorists to try to punch our democracy to the ground, to the ropes. I am going to close by simply saying something that hadn't been said tonight, and that is that Donald Trump can do enormous damage to our country in the next 2 weeks. In the next 2 weeks, colleagues, Donald Trump can do enormous damage to our wonderful country.

This afternoon—I don't know if my colleagues saw it—the National Asso-

ciation of Manufacturers—an organization with thousands of businesses, thousands of companies, and not exactly a leftwing outfit—they called for moving forward with the 25th Amendment. That was all over the news already this afternoon, colleagues. The National Association of Manufacturers. That is what we are seeing in our country with respect to the fear of Americans, having watched what happened here.

I am just going to close by way of saying that I believe that for the next 2 weeks, we have an enormous responsibility to watchdog Donald Trump day in and day out, to do everything possible to prevent the kinds of abuses that we saw today, where an American lost her life, and we saw the fear among our citizens at what went on. Let's do everything we can as leaders, Democrats and Republicans, to make sure that in the next 2 weeks, Donald Trump's abuses are checked and we do everything we can to protect this wonderful Nation of ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. RUBIO. Mr. President, over the last weeks and days leading up to this vote here today, I have heard from a lot of people about this vote, and I guess I want to address it as much to them as anybody else. These are people I know. These are friends. These are neighbors. These are longtime supporters, generally people on my side of the political aisle.

And they are upset. They are upset. They look at the media, and the media, they censored stories that might have been negative toward Joe Biden or were negative toward Joe Biden, and social media companies helped them out. And they saw how some States tinkered with and even mutilated State election laws, and they have doubts that the election was legitimate.

It gives this country this extraordinary crisis of confidence, which is very dangerous because democracy is very fragile, and it is not held together by elections. Democracy is held together by people's confidence in the election and their willingness to abide by its results.

So the notion was we need to do something; we need to fight. Several of my colleagues have adopted the idea—and I respect it—that they are going to object.

Now, listen, it is important to understand something. Even the people objecting in the Senate recognize that it is not going to pass. It is not going to change the outcome, but it is going to send a message, and it is going to make a point.

The problem is I think it is a terrible idea at this moment. Just hours ago, a young lady died in this Capitol. That means somebody, somewhere in this country, got a phone call that their daughter was dead. Their daughter was going to a political rally; she is dead—

died in this Capitol, somewhere not far from where we are standing.

We had police officers—the men and women we walk by every single day, who guard the doors and we say hello to—out there with riot gear getting spit on and attacked today—not 10 weeks ago; just a few hours ago. I think it is important to think about all those things on a night like tonight with everything that has happened.

I wouldn't even be here today—I doubt very much whether I would have even been interested in politics—had it not been for my grandfather. He died when I was 14, but I grew up at his knee. He would sit on the porch and would smoke three cigars a day, and he loved history.

He was born in 1899 in rural Cuba. It was still governed by the United States. It was a protectorate. Three years later, it gained its independence and became a republic.

During my grandfather's first 60 years of life, he saw his country have an armed insurrection after a contested election, multiple Presidents go into exile, two military coups, and the rise of a Marxist dictator—a tyranny that stands to this day.

My entire life—my entire life I have lived with and next to people who came to America because their country was chaotic and their country was unsafe. What I saw today—what we have seen—looks more like those countries than the extraordinary Nation that I am privileged to call home, and I think about the mockery that it makes of our country.

A lot of people say: Oh, well, China, China. Let me just say something. In all modesty, no one here has worked harder on the issue of China. They hate my guts. I am sanctioned—I don't know what they are sanctioning—double sanctioned, and I can't travel there. I wasn't planning to anyway.

China is laughing. They are loving this tonight. In Beijing they are high-fiving because they point to this and they say: This is proof the future belongs to China. America is in decline.

Vladimir Putin—there is nothing Vladimir Putin could have come up with better than what happened here. It makes us look like we are in total chaos and collapse—not to mention the Ayatollah, who is probably bragging, if he has buddies, to his buddies: Look what is happening to the Great Satan.

I think politics has made us crazy. Everybody in this country has lost their minds on politics, and we have forgotten that America is not a government, America is not a President. America is not a Congress.

Let me tell you what America is. America is your family. America is your faith. America is your community. That is America. That is what our adversaries don't understand, and that is what we need to remember. That is how we are going to rebuild this country and turn the page and have a future even brighter than our past.

So that is why I feel so strongly about this and why I hope those who disagree with me will understand.



I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Ms. HIRONO. Mr. President, it has been hard, at times, to find the words to describe the full harm that Donald Trump has inflicted on our country. We can spend hours dissecting how his policies have made us less safe and less healthy, but his Presidency has also been a profound moral failure.

Let me tell you a story. A few years ago, a father from Hawaii joined me at one of my talk-story sessions in my office, and he asked me a question that struck me hard at that time and has stuck with me until today. He said: How can I tell my son that lying is not OK when the President of the United States lies every single day? I struggled to answer his question then, and I am not sure I could offer an adequate answer now.

But this conversation remains a clear example of how we do not live in normal times. How is it normal as we and the world watched in horror as an angry mob stormed the U.S. Capitol? Blood was shed. People were hurt. Vandalism occurred.

It is not normal when we have a President who lies every single day. And even in the face of this vandalism, this mob, he really doesn't have much to say except: I love you. You should go home now.

It is not normal when, in the middle of a pandemic that has claimed the lives of over 350,000 Americans, which is nearly the combined population of the islands of Maui and the Big Island, we have a President who only seems to care about spreading conspiracies to undermine confidence in our elections and our democracy.

It is not normal when duly elected Senators who took an oath to uphold the Constitution pull a stunt to try and nullify millions of votes in six States so that Donald Trump can remain President. I call this effort a stunt because it is doomed to fail.

We have a strong bipartisan majority, as noted in the vote that we just took, in both Chambers of Congress who reject this stunt, and courts have ruled against Trump and his allies in more than 60 cases.

So whenever this farce ends, the result will be the same: Donald Trump will have lost the election, and Joe Biden will become the 46th President of the United States.

You can tell a lot about a person from the way they handle defeat. The way Donald Trump has handled defeat says a lot about who he is. Watching so many of our colleagues indulge the President tells us a lot about them too.

We don't have to look back very far in history to find examples of candidates who lost tough races but demonstrated their character in defeat. Our colleague Senator ROMNEY graciously conceded his defeat to President Obama in noting:

At a time like this, we can't risk partisan bickering and political posturing. Our lead-

ers have to reach across the aisle to do the people's work, and we citizens also have to rise to the occasion.

And in 2000, during an election with substantial irregularities and partisan intervention from the Supreme Court, Al Gore, nevertheless, put his country first and he said:

Let there be no doubt, while I strongly disagree with the Court's decision, I accept it. . . . And tonight, for the sake of our unity as a people and the strength of our democracy, I offer my concession.

As I reflect on the service of these distinguished public servants and the acts they took to maintain our democracy, I am also drawn to remarks President Obama made 4 years ago in his farewell address to the Nation when he warned that our democracy is threatened whenever we take it for granted.

It is a particularly sage warning as we contend with the President of the United States seeking to nullify a free and fair election simply because he lost. We have to stand up, speak out, and fight back because our democracy itself is at stake.

American democracy has endured over these centuries in large part because our institutions serve as guardrails to keep us from going over the cliff. As elected officials, we can strengthen these guardrails by listening to our own conscience in moments of peril, by having what our friend John Lewis called "an executive session with myself."

Before making a big decision, John would say: Listen self, this is what you must do: this is where you must go. Today, we can follow John's example, listen to our conscience, stand up for our Constitution, and do what is right. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, let me begin my remarks tonight by expressing my heartfelt gratitude to the members of the law enforcement community and the National Guard whose hard work and courage made it possible for us to resume our deliberations tonight.

We return to this Chamber tonight undeterred by the violence we witnessed and strengthened in our determination to fulfill our constitutional duty. The Constitution is the foundation of our American democracy, and the Constitution is what must guide our decisions on the Presidential election.

The process the Constitution sets forth for electing Presidents through the electoral college is straightforward. The people vote. Electors are chosen. The electors vote. Then Congress counts the electors' votes.

That final step in the process is why we have convened today. Counting the votes of the electors, a function that the 12th Amendment assigns to Congress, is an administrative and largely ceremonial act. Our job is simply to count the votes certified by each

State—nothing more. We should not attempt to usurp the roles of the voters, the States, or the electoral college.

The American people have done their job, turning out in record numbers to vote in the midst of a frightening pandemic. Indeed, as a percentage of the voting-eligible population, the turnout was the highest in 120 years. Similarly, in the midst of this pandemic, hundreds of election officials and volunteers have done their job, staffing polling places and faithfully counting and often recounting votes. The States have done their job by certifying the election results.

Now, I have heard the proponents of these objections raise questions about whether the various States conducted their elections properly. When disputes over elections arise, candidates are able to appeal to our legal system, not Congress, for recourse.

In the 2 months since the 2020 election, the President's lawyers and allies have had the opportunity to make their arguments and challenge election results before the courts. Notably, every one of nearly 60 lawsuits they have brought forward have been rejected. In fact, the Supreme Court has twice refused to hear their election challenges.

We must abide by these rulings. The time has now come for Congress to do its job. We should affirm the certified results of each State by counting the votes of their electors. Altering the results of the electoral college would set a terrible precedent in which the party in control of Congress could override the will of the voters and overrule our courts to unilaterally choose the next President. One Senator attempted such a maneuver after the election in 2004, and the Senate overwhelmingly rejected that effort. The Senate has demonstrated by its vote tonight that it will follow that precedent and do so again.

Today—tonight, Mr. President, I will continue to vote to reaffirm the foundation of our democracy, the Constitution of the United States. And I will reject these challenges to the electoral college.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I invite all of my colleagues to cast your eyes upon these three boxes sitting on the table in front of the dais. These three boxes contain the certified results from every State in our Union regarding how that State voted, how their electors have voted for the President of the United States of America.

You cast your eyes on these three boxes, and you know that there is something special. You see that there are straps on them holding the top on and straps around the side and they are engraved—beautiful handle, beautiful leather work, crafted in the cabinet shop of our very Senate to say to the world that their cargo is precious.

There are three of these boxes. The third box is brand new. It was crafted



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because so many States were celebrating this process that they started to use very large forms, very large envelopes, very large seals to put those ballots into and, thus, a third box was needed. These boxes contain the voice of the American people weighing in, as they have election after election after election. They have been used—these two smaller boxes—for the last 14 elections. They are transported through those doors to the House of Representatives, where the Senate and House gather to witness the opening of the envelopes to determine who will be the President of the United States. It is our constitutional responsibility to witness the counting. That is what the Constitution calls for.

Tonight, when this Senate Chamber was under attack by domestic terrorists, we were held here in this room, doors locked to protect us with the help of the Capitol Police. They did an excellent job. And then they escorted us to a safe room. That announcement came quickly. And when that announcement came, our senior assistant parliamentarian, Leigh Hildebrand, organized the team to rescue these boxes and keep them safe.

Thank you to her and the entire team that rescued the voice of the American people. Had they not done so, then the hooligans outside, disrespecting the Constitution, would have come in here and opened these boxes and burned the ballots, destroying the voice of the people symbolically. I know no one in this Chamber wanted something like that to happen because we are here to defend the Constitution, to defend the integrity of the election process, not to allow it to be destroyed.

But, colleagues, although we are 100 Senators—or 99, actually, now because there are only 99 of us who are duly elected at the moment. We are 99 Senators united across party, defending these ballots from the hooligans outside.

There is more than one way these ballots can be destroyed, and that is for this Chamber and the House Chamber to vote that one of those envelopes representing the State will be shredded, will be burned, that those votes will be discounted.

We just held a vote on whether or not the envelope containing the electoral votes from Arizona should be burned. We defended these ballots against the hooligans outside, but there are those in this Chamber supporting the destruction of the voice of the citizens of Arizona—six voted. And we are coming back later tonight to vote on whether to shred or burn the ballots for the people of Pennsylvania.

We have to stand together to say absolutely not. The constitutional responsibility is for us to defend the process, not to proceed to destroy these ballots.

Now, in spite of all the troubling things that have happened in this Chamber this evening, something beau-

tiful happened, and that is, we sat here in this Chamber, all of us listening to each other, 5-minute speeches, hearing each other out, diverse views, wrestling with a complicated issue. It is really the first time that has happened in the 12 years I have served in the Senate.

We need to restore the process of struggling with America's issues together on the floor of the Senate. That is the Senate I saw when I first came here as an intern for my home State Senator in 1976. That is the Senate that I saw when I worked for Congress in the 1980s. That is the Senate that has disappeared.

There is a conversation going forward between Democrats and Republicans to restore the ability to hold debate on the floor, to restore the ability to have amendments on the floor so that we deliberate and wrestle with—in a very public and transparent fashion—the big issues.

So let's take this moment, when we are rethinking how to restore the institutions of our government, to restore and improve how this Senate operates to deal with the issues ahead of us, so that this moment is a moment where we come together rather than be divided; where, in a bipartisan fashion, we craft a strategy to restore issues to the floor—bills and amendments—and debate and decisions before the public.

Out of a dark moment can shine a bright light, a renewal, and it is a moment much needed now—a moment much needed in the executive branch as we, on the 20th of January, welcome new leadership.

And it is a moment much needed for us to restore the Senate to be the deliberative body once renowned and respected around the world. Let's defend these ballot boxes, both from the hooligans outside and those who would vote to destroy the ballots from any given State. And let us come together and restore the Senate and fight for the vision of our "we the people" Republic.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, "Free, fair elections are the lifeblood of our democracy. Charges on fairness are serious." I think we will all agree. "But calling an election unfair does not make it so. Charges require specific allegations and then [they require] proof. We have neither here."

Those are not my words. Those are the words of a judge on the U.S. Circuit Court of Appeals for the Third Circuit rejecting President Trump's legal challenges to the Pennsylvania election. I might add, a judge who was a longtime member of the conservative Federalist Society and was nominated to the bench by none other than Donald Trump.

The 2020 Presidential election was hard-fought—we will all agree. But the American people spoke clearly, and they spoke decisively: 81.2 million voters voted for Joe Biden—81.2: 74.2 million voted for Donald Trump; 51.3 per-

cent of the vote went for Joe Biden; 46.8 percent of the vote was for Donald Trump; 306 electoral college votes for Joe Biden; 232 electoral college votes for Donald Trump. Four years earlier, Donald Trump referred to that kind of outcome as a "landslide" for him, and he lost the popular vote by 3 million votes.

But accepting the outcome of the election can be difficult when our political party doesn't win. We have all felt that before. But calling an election unfair does not make it so. More than 60 Federal and State courts involving more than 90 judges—many of whom were nominated by Republican Presidents, including Donald Trump—are all in agreement. That is pretty amazing, isn't it? All in agreement. No evidence of widespread fraud, wrongdoing, or other irregularities have been uncovered during the 2020 election. That is a victory for democracy, for our democracy.

Unfortunately, some of our colleagues today ask us to do the same thing that Donald Trump asked of the secretary of state for the State of Georgia—to overturn the results of the 2020 election without specific allegations and, more importantly, without any proof. Our colleagues are asking us not to abide by the will of the people but to bend to the will of one man—one man—Donald Trump.

In 1787, delegates from the Thirteen Colonies convened in Philadelphia to debate the future of what would become the United States of America. Our Founders disagreed on a lot of things, but, you know, they all agreed on one thing for sure: They did not want a King; they did not want a Monarch. Many of them had been there, done that. They didn't want to see it and feel it again, and they set up this intricate system of checks and balances to ensure that we would never have that all-powerful King in this country.

That system of checks and balances is being pushed to a dangerous limit here today, but that system will prevail—along with it, our democracy.

Here are just some of the claims Donald Trump and his legal team have made and that our colleagues lend credence to here today: that Venezuela, Cuba, and China rigged our country's voting machines in favor of Joe Biden; that dead people voted in this election, and they only voted for Joe Biden; that poll watchers and election observers who risked their lives during this pandemic to uphold the integrity of our elections stuffed ballot boxes with Biden votes, and then they shredded Trump votes.

Not one—let me repeat—not one of these things is true. There is no evidence—no evidence—to back up these ridiculous claims. Many of these absurd claims from Donald Trump and his legal team are nothing more than conspiracy theories circulating online.

This misinformation and dangerous rhetoric from the President and his allies—including calls for violence—have



polluted our discourse and imperiled our peaceful transfer of power.

When our colleagues show indifference to outright support for these unsubstantiated claims and conspiracy theories, they lead our Nation and our Constitution down a dangerous, dangerous path.

All of us who serve here swore an oath to support and defend our Constitution. I swore that same oath as a naval flight officer many times and as midshipman before that. But all of us here have sworn to support and defend our Constitution, not our political party and certainly not any individual candidate.

Colleagues, for the safety of our citizens and our Republic, we must lead by example. We must turn the temperature down. It was a hard-fought campaign, but the campaign is over. The votes have been counted. The count has been certified in all 50 States.

In 2 weeks, on January 20, Joe Biden and KAMALA HARRIS will be sworn in as President and Vice President of the United States, as they should be. We have serious and urgent challenges that will require working together with our new President and new Vice President, with one another in this Chamber—Democrats, Republicans, and Independents—and with our colleagues over in the House of Representatives.

What is on our “to do” list?

We can start with making sure that hundreds of millions of Americans get vaccinated—that we get off the dime and start vaccinating. We vaccinated 4 million people last month. We were supposed to have vaccinated 20 million. How are we ever going to get to 250 million at this rate?

What else is on our “to do” list?

We are getting our kids back to school. We have kids who are unable to get on the internet, who are unable to participate in their classes, and who may not have any adult supervision at home. They are struggling, and they are falling even further behind. We need to do something to help them.

What else is on our “to do” list?—getting their parents back to work, just to name a few things. Think of all of the millions of people who have lost jobs and don’t have skills anymore to fill the jobs that are needed. They need our help. They need to be retooled and retrained. It is time to stop overturning the will of the people. Let’s get back to working on their behalf.

Abraham Lincoln has been quoted a couple of times here tonight, but he observed at the end of the Gettysburg Address that ours is a “government of the people, by the people, for the people.” Even in the midst of a civil war, President Lincoln put his unwavering faith in the people to chart our Nation’s course. We would be wise to remember Lincoln’s words at this moment, at this special moment, in our Nation’s history.

We are not a government of Trump, by Trump, and for Trump. We are a

government of the people, by the people, and for the people, and the people have spoken. The people have spoken. Our job here today is to listen to them. I intend to do that. I trust that my colleagues will join me in doing that as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, first, I want to thank all of the first responders who helped to protect this sacred Chamber today and protect those electoral college ballots.

Today is a special day. On a day when some 2,500 or more Americans will lose their lives to the coronavirus, when another 130,000 will be hospitalized with it, when hundreds of small businesses will close their doors and put thousands of Americans out of work—on this day—the U.S. Senate is not debating how to get more life-saving vaccines into Americans’ arms or how to put 2,000 badly needed dollars into their pockets. No. Instead, we are using the first days of the new Senate and Congress to give time to our radical Republican colleagues’ baseless and damaging claims of election fraud—all in an attempt to keep Donald Trump in office in violation of the U.S. Constitution. There is a word for this. It is called “sedition.” All of these unfounded objections to State electors are seditious. They are nothing short of an insurrection against the established order of the U.S. Constitution and our democratic Republic.

This is a historically shameful day for the Senate and for our country. To be clear, the notion that there is any meaningful voter fraud that has been identified in the 2020 Presidential election is a dangerous, anti-democratic, treasonous fiction. Joe Biden won. Donald Trump lost—period—but that hasn’t stopped the President and his supporters from making allegations of voter fraud in some 60 legal challenges across the country, heard by some 90 judges, including Trump judicial appointees. Not one of these challenges succeeded—not one. Despite this reality, my radical Republican colleagues claim we must have a commission to investigate the fraud.

Well, we do know one of the most undeniable instances of substantial and significant election fraud ever. We even have a recording and a transcript of it. It is of President Trump, talking like a Mafia boss to the Georgia Secretary of State—a Republican no less—pressuring and threatening him to fix the election in Trump’s favor, and holding out the prospect of criminal prosecution if he doesn’t.

“Find me 11,780 votes,” Trump said. Well, someone should find Donald Trump a real lawyer and measure him for an orange jumpsuit, because the list of statutes that this latest, shocking Presidential phone call may violate is too long to recite. The President’s words on that phone call—indeed, his conduct since his election—demand a

serious response, one much more serious than the sham before us today.

First, Federal and State law enforcement authorities should investigate Donald Trump for election fraud, extortion, conspiracy, and whatever other charges fit the bill and, if warranted, indict and try him for any crimes he has committed.

Second, we must recognize that Donald Trump is and will remain a danger to our Constitution and our democracy. So, while time is certainly limited, we should impeach Trump again and bar him from holding office in the future.

Finally, we should abolish the electoral college. It is a vestige of a racist Jim Crow America, and we have outgrown it. Every person’s vote in every State should count just the same—one person, one vote.

Election fraud and reform are very serious issues. Election reform absolutely should be debated in Congress, which is why, instead of today’s Kabuki theater, I invite my Republican colleagues to stand up and say: Yes, we need to protect and expand voting rights and election security. We need automatic voter registration. We need online voter registration. We need same-day voter registration. We should make election day a Federal holiday. We should restore voting rights to people with prior felony convictions. We should support independent redistricting commissions. Let’s spend our time debating that on the floor—debating how to reduce the influence of big money in our political system, to slow the revolving door between government officials and lobbyists, to stop gerrymandering and voter suppression. That is the real election reform that we should be debating and supporting, not these shameful, craven, baseless objections.

More than 350,000 Americans have died from the coronavirus. That is the truth. Nearly 8 million people have fallen into poverty because of the economic crisis caused by this virus. That is the truth. Wearing a mask saves lives. Vaccines are safe and effective. That is the truth. Joe Biden won. Donald Trump lost. That is the truth.

I urge all of my Senate colleagues to vote against these objections, affirm our democracy, and recognize that Joe Biden and KAMALA HARRIS will rightfully be sworn in on January 20 as the President and Vice President of the United States.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, today was a stomach-turning, gut-wrenching moment in our history. Truly, it was an assault on the heart of our democracy.

I want to join in thanking the first responders and the police.

I also want to thank others who have been heroes of our democracy—unsung in many instances. First, they are all of the election officials, all of the poll workers, all of the members of boards



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of election who actually counted the votes—who went to the polls and made sure that votes could be cast—and who, ultimately, stood firm for the integrity of that voting system.

I want to thank the judges. There are now about 90 of them who, except for one or two who ruled the other way on a technicality, have stood firm for the integrity of that voting system. In those 60 to 70 cases, except for that one who ruled on a technicality, they went with the integrity of our voting system and the rule of law.

Today was, indeed, disgusting and sickening. It was shocking and despicable. It was heartbreaking, but it was not surprising. In fact, today's assault on our democracy—the mob violence, the riots, the thugs and goons who were inspired and incited by the President of the United States—all were of a piece, in these past 4 years, of a President who has no respect for the truth or the rule of law.

Donald Trump's Presidency is coming to a close in the very same way it began—with an attack on our democracy. In 2016, the Trump campaign welcomed hostile foreign interference with our election. The President refused to acknowledge that he would accept the results of the election if he lost. Then, again and again, he demonstrated his contempt for the rule of law and for laws themselves. He obstructed justice, and he would have been charged with it had he not been the President of the United States. He invited a foreign government to interfere in our elections and find dirt on his political opponent.

Most disturbingly, these actions by a President who demonstrated that contempt for the rule of law were met with silence from many political leaders, our colleagues here in the Senate among them—silence in the face of that contempt for the rule of law and disrespect for the law enforcers.

So we could have seen today coming. In fact, we did. I warned about it, and others did because the fantasies and falsehoods that drove those rioters—not protesters but the mob who assaulted the temple of democracy—were fueled by the President's misstatements and lies and contempt for the truth, and he was enabled. He had enablers.

Today, we are stopping, in one instance, that enabling, but we must also make sure to stop it going forward. The political stunt that brought us here today offers no great solace that it will. These stunts have consequences. We say words have consequences, and the actions today will have significant consequences. They are an attack on our democracy that undermines the core tenets of our American Government and a disrespect for the will of the people and a peaceful transition of power. The political stunts themselves, driven by opportunism, blaze a path that can be followed by more competent challenges just as the dictatorial instincts and ac-

tions of this President can be followed by more effective would-be tyrants intent on destroying our Republic.

Yes, we have more important tasks that we should be addressing as well—the pandemic, the economic revival. Yet, today, we must be mindful of the threat to our democracy that we face down and come together on a bipartisan basis, but silence is never excusable in the face of lawlessness at the very top of our political structure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I have a question for all of my colleagues this evening, which is this: What happened here today, and how is it different from what we expected as we assembled in this Chamber early this afternoon?

Sadly, much like the impeachment trial of just a year ago, I think as many of us slogged our way to the Nation's Capital and dutifully filed into this Chamber, we expected hours and hours of debate and discussion, knowing the outcome, knowing that what was being engaged in by a handful of our colleagues was a political stunt, feeding the ego of our President, who is chasing conspiracy theories about how he actually won the election 2 months ago that he lost and indulging his belief that somehow, somehow, the Congress could still, at the last moment, snatch victory from the jaws of defeat.

Even in the last day, President Trump had been haranguing his own incredibly loyal Vice President, MIKE PENCE, as if somehow Vice President PENCE would simply declare him President today.

We knew that President Trump had been stirring up the spirits of thousands, urging them to come to Washington. We had an inkling that he might go out and speak to them, but I don't think, as we filed into this Chamber, any of us—any of us—expected that, for the second time in our Republic's history, the perimeter of this Capitol would be breached, Members of the Senate would be rushed to safety; that not just the Capitol Police but U.S. Marshals and FBI officers and fully combat-gear soldiers would be in the U.S. Capitol, taking it back from a riotous mob of thugs.

Just a few moments ago, I went to the Rotunda to see the litter and the trash, the residue and the remnants of those who took over this building today, and to say thank you to the men and women of law enforcement who helped secure it after it fell to an angry mob.

But, folks, we have to think about the consequences of what happened here today, why this happened, and what it means and what it teaches, because, frankly, tonight, now, the whole world is watching. The entire world is watching a montage of scenes—of folks cavorting in the Capitol, half-naked men taking that seat, scrawling things on different surfaces, parading up and down the Capitol corridors with a Con-

federate flag and a Trump flag, and in other ways signaling that they had done something significant. No. In fact, what they have actually done is weakened our democracy, showed some of its fragility, and encouraged our opponents around the world.

In the last 2 months since the election, we have one man who has abandoned his post, who has mostly spent his time golfing and tweeting and indulging himself in conspiracy theories and been less and less attuned to our national security and to a raging pandemic, and another man, our President-elect, who is preparing to take over the responsibility for leading this country out of this pandemic and out of its current state of deep, deep division.

President Trump has abandoned his post. He does not deserve to be President any longer, and he poses a real and present threat to the future of our democracy.

But let me also say this to my colleagues, half of whom changed their intended vote today after seeing what happened in the Capitol. There were, as we began, roughly 13 Senators—Republicans—who said they were going to vote against the certification of the election, and when we actually finally called the roll, it was just 6–7 of them having been chastened by the events of today. But two who continue on this quest clerked for the Supreme Court Chief Justice, are deeply schooled in the law, and know better than what they did today. And in the House, in the debate going on over in the House even now, more than 100 House Republicans continue with this effort.

On this floor earlier today, this evening, there were strong and clear and brave speeches by Republicans and Democrats alike.

So I have a question as we move forward. When will this fever break? When will we finally say to each other: Enough is enough of indulging and following populism and demagoguery. Is it time to finally show who the leaders are and to uphold our Constitution that every one of the House Members and a third of us swore to uphold just 3 days ago?

I will tell you, as I look ahead, that I am confident that 2 weeks from now, Joseph Biden will be sworn in as the next President, KAMALA HARRIS sworn in as the next Vice President, and we have a unique moment in my lifetime, because, as Presidents and leaders in the Senate of both parties over the last decades have observed, the Senate has steadily shrunk in its significance, its role, in its power, and the Presidency has steadily grown. Not in my lifetime—not since LBJ—have we had an incoming President who spent 36 years in this Chamber.

We have a chance with Joe Biden, a President-elect who ran on bringing our country together, a President-elect who ran on turning the page from our moment of national division, and a



President-elect who respects and honors and understands the significance of this body.

So we have to take this opportunity to heal, to hear each other, to compromise, to work together, and to see the real challenges facing the American people and take this last best moment.

What happened here today should leave all of us gravely concerned about the health and the future of our democracy, and the opportunity we will have 2 weeks from today is one we should not let pass us by.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, more than 350,000 of our loved ones have died from a terrible disease. Small businesses have gone under, never to reopen. Millions have lost their jobs, and too many families don't know how they are going to pay the rent or put groceries on the table.

It is tough out there, but Americans are fighters, and despite all the challenges, in November they did what Americans do when they are unhappy with their leadership—they voted for change. They turned their backs on a sitting President who fans the flames of hatred while bodies pile up in the morgue. Instead, they elected a new President who wants to save lives, to save our economy, and to save our democracy.

Even as the pandemic raged, Americans showed up for democracy. States worked overtime to set up safe systems, ballot drop boxes, early voting, and gallons of hand sanitizer. Voters mailed their ballots earlier, put on masks, and stood in line at the polls. The election of 2020 shattered voting records.

So here we are on the floor of the U.S. Senate in the aftermath of a historic election held in the middle of a pandemic. People are suffering, and we should be working to get them the help they need. Instead, we are here because Donald Trump wants to overturn the results of that election. The Republicans objecting to the results of this election will be judged by history, but the rest of us will be judged as well.

It is our responsibility to stand up for our democracy even while other Senators work to undermine it.

Losing is hard. I ran for President myself. It was a hard-fought primary, but Joe Biden won and I lost. I am not the only one to live through that; a number of Senators in this room have run for President. None of us was successful, and when we lost, we conceded and we got out of the race because that is how democracy works. None of us lied about the results. We didn't throw temper tantrums. We didn't tell our allies in Congress or the States to overturn the results. We didn't feed poisonous propaganda to our supporters. We didn't urge people to march on State capitals or to descend on Washington. We accepted the will of the voters.

And it is not just us; it is everyone who has run for President since the beginning of America. Only once in America's history have the people who lost tried to burn down our democracy on the way out. They caused a civil war that nearly destroyed our Nation.

Make no mistake, the violence we witnessed in this Chamber today was the direct result of the poisonous lies that Donald Trump repeated again and again for more than 2 months. His words have consequences. Our democracy has been grievously injured by this lying coward.

This effort to subvert our democracy is not merely one last Presidential tantrum. This effort is designed to knock out the basic pillar on which democracy is founded: the idea that the voters—not the sitting President and not the Members of Congress but the voters decide who will lead this Nation.

A democracy in which the elected leaders do not bend to the will of the voters is no democracy. It is a totalitarian state. And those who pursue this effort are supporting a coup.

I urge my colleagues to vote no on this effort to overthrow our democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the chair.

The PRESIDING OFFICER. Without objection, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 11:25 p.m., recessed subject to the call of the Chair and reassembled at 12:28 a.m. when called to order by the Vice President.

The VICE PRESIDENT. The majority leader.

Mr. MCCONNELL. I know of no further debate.

The VICE PRESIDENT. Pursuant to S. Con. Res. 1 and section 17, title III, U.S. Code, when the two Houses withdraw from the joint session to count the electoral vote for separate consideration of an objection, a Senator may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question: Shall the objection be sustained?

The clerk will report the objection made in the joint session.

The senior assistant legislative clerk read as follows:

Objection from Senator HAWLEY from Missouri and Representative PERRY from Pennsylvania. "We, a U.S. Senator and Member of the House of Representatives, object to the counting of the electoral votes of the State of Pennsylvania on the ground that they were not, under all of the known circumstances, regularly given."

The VICE PRESIDENT. The majority leader.

Mr. MCCONNELL. I know of no further debate.

#### VOTE ON OBJECTION TO COUNTING PENNSYLVANIA ELECTORAL VOTES

The VICE PRESIDENT. If there is no further debate, the question is, Shall the objection submitted by the gentleman from Pennsylvania, Mr. PERRY, and the Senator from Missouri, Mr. HAWLEY, be sustained?

Is there a sufficient second?

Mr. THUNE. I ask for the yeas and nays.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 7, nays 92, as follows:

[Rollcall Vote No. 2 Leg.]

#### YEAS 7

Cruz	Lumma	Tuberville
Hawley	Marshall	
Hyde-Smith	Scott (FL)	

#### NAYS 92

Baldwin	Graham	Peters
Barrasso	Grassley	Portman
Bennet	Healey	Reed
Blackburn	Harris	Risch
Blumenthal	Hassan	Romney
Blunt	Heinrich	Rosen
Booker	Hickenlooper	Rounds
Boozman	Hirono	Rubio
Braun	Hooven	Sanders
Brown	Inhofe	Sasse
Burr	Johnson	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Scott (SC)
Cardin	Kennedy	Shabazz
Carper	King	Shelby
Caspey	Klobuchar	Smith
Cassidy	Lankford	Stabenow
Collins	Leahy	Sullivan
Coons	Lee	Tester
Cornyn	Loeffler	Thune
Cortez Masto	Lujan	Tillis
Cotton	Manchin	Toomey
Cramer	Markey	Van Hollen
Crapo	McConnell	Warner
Daines	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Moran	Wicker
Ernst	Murkowski	Wyden
Feinstein	Murphy	Young
Fischer	Murray	
Gillibrand	Paul	

The VICE PRESIDENT. On this vote, the yeas are 7, the nays are 92.

The objection is not sustained.

The Secretary will notify the House of the action of the Senate, informing that body that the Senate is now ready to proceed to Joint Session for further count of the electoral vote for President and Vice President.

The majority leader.

#### ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, for information of all of our colleagues, we don't expect additional votes tonight.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages